

**Commonwealth of Massachusetts
Executive Office of Health and Human Services**

NOTICE OF PUBLIC HEARING

Pursuant to the authority of M.G.L. c. 118E and in accordance with M.G.L. c. 30A, the following three remote public hearings will be held on Friday, November 5, 2021, at the respective times listed below, relative to the adoption of amendments to:

1. 9:30 a.m.: 101 CMR 413.00: Payments for Youth Intermediate-Term Stabilization Services. The rates for DYS's youth intermediate-term stabilization services have been updated to incorporate an employer and employee contribution required by the Massachusetts paid family and medical leave law. As part of the workforce initiative, all staff salaries have been benchmarked to the Massachusetts Bureau of Labor Statistics (BLS) median wages as dated May 2020. The tax and fringe rate has been benchmarked to 22.40% and the administrative allocation has been benchmarked to 12%. The separate workforce initiative rate has been removed from the regulation because the workforce initiative goal of the rate review has been met with the incorporation of BLS benchmarking into the rates. The cost adjustment factor of 1.06% has been incorporated as well. Finally, the amendments to the congregate care services rates established in 101 CMR 433.00 and effective July 1, 2021, are being incorporated into 101 CMR 413.00 in this amendment and simultaneously deleted from 101 CMR 433.00. The fiscal impact related to the amendments to the congregate care service rates were accounted for in the promulgation of 101 CMR 433.00, and are not included in the fiscal impact analysis for this amendment to 101 CMR 413.00. The total estimated FY22 annualized cost to state government from the increase in rates established by these proposed amendments is \$2,987,476, which represents an increase of 5.69% over FY20 spending of approximately \$52.5 million.

2. 10:00 a.m.: 101 CMR 433.00: Rates for Certain Health and Human Services Programs. Pursuant to M.G.L. Chapter 118E, Section 13D, EOHHS is required to establish, by regulation, the rates to be paid by governmental units to providers of health care services and social service programs. The proposed updates to this regulation consist of the removal of the rates for the following programs:

- Family Resource Centers
- Community-based Day Supports and Active Treatment
- Supported Employment and Supported Employment Staff Add-ons
- Congregate Care Services and Add-ons

Effective January 1, 2022, rates for these services will be found in the following updated "parent" regulations:

- 101 CMR 414.00: *Rates for Family Stabilization Services*
- 101 CMR 415.00: *Rates for Community-based Day Support Services*
- 101 CMR 419.00: *Rates for Supported Employment Services*
- 101 CMR 413.00: *Payments for Youth Intermediate-term Stabilization Services*

There is no cost to state government for the updates to this regulation.

3. 10:30 a.m.: 101 CMR 414.00: Rates for Family Stabilization Services. The rates for family stabilization services have been updated to incorporate an employer and employee contribution required by the Massachusetts paid family and medical leave law. As part of the workforce initiative, all staff salaries have been benchmarked to the Massachusetts Bureau of

Labor Statistics (BLS) median wages as dated May 2020. The tax and fringe rate has been benchmarked to 22.40% and the administrative allocation has been benchmarked to 12%. The cost adjustment factor of 1.06% has been incorporated as well. Finally, the separate workforce initiative rate has been removed from the regulation because the workforce initiative goal of the rate review has been met with the incorporation of BLS benchmarking into the rates. In addition to the above amendments, the amendments to the Family Resource Center rates established in 101 CMR 433.00 and effective July 1, 2021, are being incorporated into 101 CMR 414.00 in this amendment and simultaneously deleted from 101 CMR 433.00. The fiscal impact related to the amendments to the Family Resource Center rates were accounted for in the promulgation of 101 CMR 433.00, and are not included in the fiscal impact analysis for this amendment to 101 CMR 414.00. The total estimated FY22 annualized cost to state government from the increase in rates established by this proposed amendment is \$8,332,185, which represents an increase of 7.02% over FY20 spending of approximately \$118.7 million.

The proposed amended regulations contain rates effective for dates of service on or after January 1, 2022. There is no fiscal impact on cities and towns.

To register to testify at any of the hearings and to get instructions on how to join the hearing online, go to www.mass.gov/service-details/executive-office-of-health-and-human-services-public-hearings. To join the hearing by phone, call (646) 558-8656 and enter meeting ID 935 397 8200# when prompted.

You may also submit written testimony instead of, or in addition to, live testimony. To submit written testimony, please email your testimony to ehs-regulations@mass.gov as an attached Word or PDF document or as text within the body of the email with the name of the regulation in the subject line. All written testimony must include the sender's full name, mailing address, and organization or affiliation, if any. Individuals who are unable to submit testimony by email should mail written testimony to EOHHS, c/o D. Briggs, 100 Hancock Street, 6th Floor, Quincy, MA 02171. Written testimony will be accepted through 5:00 p.m. on Friday, November 5, 2021.

To review the current drafts of the regulations, go to www.mass.gov/service-details/executive-office-of-health-and-human-services-public-hearings or request a copy in writing from MassHealth Publications, 100 Hancock Street, 6th Floor, Quincy, MA 02171. To view or download supporting materials, go to www.mass.gov/service-details/proposed-regulations-supporting-materials.

Special accommodation requests may be directed to the Disability Accommodations Ombudsman by email at ADAAccommodations@mass.gov or by phone at (617) 847-3468 (TTY: (617) 847-3788 for people who are deaf, hard of hearing, or speech disabled). Please allow two weeks to schedule sign language interpreters.

EOHHS may adopt a final, revised version of the proposed actions taking into account relevant comments and any other practical alternatives that come to its attention.

In case of inclement weather or other emergency, hearing cancellation announcements will be posted on the MassHealth website at www.mass.gov/service-details/executive-office-of-health-and-human-services-public-hearings.

October 15, 2021